



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JAMES BEARDEN AND SHEILA BEARDEN,
individually and on behalf of all others similarly
situated,

Plaintiffs,

vs.

HONEYWELL INTERNATIONAL INC.,

Defendant.

Case No.: 3:09-cv-01035

Judge Aleta A. Trauger

Jury Trial Demanded

**MOTION FOR LEAVE TO FILE REPLY MEMORANDUM IN SUPPORT OF
DEFENDANTS' RULE 12 MOTION TO STRIKE THE CLASS ALLEGATIONS AND
TO DISMISS INDIVIDUAL BREACH OF WARRANTY, FRAUD-RELATED AND
MAGNUSON MOSS ACT CLAIMS IN THE SECOND AMENDED COMPLAINT**

Pursuant to Local Rule 7.01(b) and the Initial Case Management Order in this matter (Docket #19), Defendant Honeywell International, Inc. ("Honeywell") respectfully moves this Court for leave to file a Reply in support of its Rule 12 Motion to Strike the Class Allegations and to Dismiss Individual Breach of Warranty, Fraud-Related, and Magnuson Moss Act Claims in the Second Amended Complaint. A copy of Defendant's Reply Memorandum is filed contemporaneously herewith as Exhibit A.

A reply memorandum is both necessary and appropriate to address the arguments raised in Plaintiffs' Response in Opposition, filed on July 20, 2010. A Reply will aid the Court in its resolution of the pending motion because it responds to issues of law that were raised by Plaintiffs in their Response.

For the foregoing reasons, and based on the entire record in this matter, Defendant respectfully requests that the Court grant Defendant leave to file the Reply Memorandum and